

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES OF AMERICA,)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
v.)	OCAHO Case No. 97A00131
)	
TET ENTERPRISES, INC.)	Judge Robert L. Barton, Jr.
D/B/A TEMPORARY)	
ENVIRONMENTAL TECHNICIANS,)	
FORMERLY EROIDA SUAREZ D/B/A)	
TEMPORARY ENVIRONMENTAL)	
TECHNICIANS,)	
Respondent.)	

DECISION AND ORDER

(December 1, 1997)

This proceeding was initiated when a complaint was filed on June 23, 1997. 28 C.F.R. § 68.2(e). The complaint alleges violations of the employment verification requirements of Section 101 of the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a (IRCA).

By a joint “Motion to Approve Consent Findings,” executed by counsel for Complainant and by counsel for Respondent, the parties have submitted, under 28 C.F.R. 68.14(a)(1), a proposed agreement containing consent findings in settlement of this action. The terms of the agreement are contained in a document entitled, “Consent Findings,” executed by Counsel for Complainant and by Counsel for Respondent and Respondent on November 25, 1997.

The agreement of the parties reflected in the “Consent Findings” is in a form which satisfies the controlling regulation for disposition by the judge of “[a]ny agreement containing Consent Findings.” 28 C.F.R. 68.14(b). Therefore, as provided by 28 C.F.R. 68.14(c), this Decision and Order is issued.

FINDINGS OF FACT AND CONCLUSION OF LAW

1. The document entitled “Consent Findings,” including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as fully as if set out herein.

2. The parties have agreed, in effect, that Respondent admits each and every allegation as set forth in Counts I and II of the Complaint and Notice of Intent to Fine, incorporated therein. I conclude that the document entitled Consent Findings is fair and satisfactory, and there is no reason not to accept it within the contemplation of 28 C.F.R. 68.14.

3. On the basis of the Consent Findings, I find and conclude that Respondent has violated Section 274A(a)(1)(A) and/or 274A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. 1324a(a)(1)(A) and 1324a(a)(2) and Section 274A(a)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. 1324a(a)(1)(B), with regard to the employment of the individuals as identified in Counts I and II of the Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. that the Respondent pay a civil monetary penalty in the amount of twenty thousand dollars (\$20,000) in the manner provided for in the Consent Findings;

2. that the Respondent cease and desist from any further violation of Section 274A(a)(1)(A) of the Immigration and Nationality Act, 8 U.S.C. 1324a(a)(1)(A) and/or Section 274A(a)(2) of the Immigration and Nationality Act, 8 U.S.C. 1324A(a)(2);

3. that each party bear its own attorney fees, other expenses and costs incurred by such party in connection with any stage of this proceeding;

4. that this Decision and Order has the same force and effect as a decision and order made after a full administrative hearing;

5. that the entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, and the “Consent Findings” duly executed by the parties;

6. that the parties have waived any further procedural steps before the administrative law judge;

7. that the parties have waived any right to challenge or contest the validity of this Decision and Order; and

8. that the hearing is canceled.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December, 1997, I have served the foregoing Decision and Order on the following persons at the addresses shown, by first class mail, unless otherwise noted:

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